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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/068,513	05/27/93	BAUGH	J 294BAKER262

EXAMINER
TSAY, F

ART UNIT	PAPER NUMBER
3506	5

DATE MAILED: 05/16/94

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 4/11/94 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 1 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input checked="" type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> |

Part II SUMMARY OF ACTION

1. ☒ Claims 16-34 are pending in the application.
Of the above, claims 1-15 And 35-38 are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 16-34 are rejected.
5. ☐ Claims _____ are objected to.
6. ☒ Claims 1-15 And 35-38 are subject to restriction or election requirement.
7. ☒ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed on _____, has been ☐ approved. ☐ disapproved (see explanation).
12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

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Applicant's election without traverse of Group II (claims 16-25) and III (claims 26-34) in Paper No. 4 is acknowledged.

Claims 16-30 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 16 is indefinite in that there is an *apparent* lack of structural description with respect to the structural relationship among the housing, the plug stop, the signal transmitter, the signal receiver and the control system. Merely describing the functional of each of the claimed element does not give a clearly view of how these claimed elements are structurally interrelated.

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5/14/94

7/14/94 Claim 17, line 3, the language "doward orientation" is indefinite, since it is not clear what defines the downward direction, there must be a *point* of reference with respect to its orientation; lines 4-6, the language describing the "signal transmitter" are merely operational or functional; it is also not clearly how the rotation or reciprocation of the housing affects the transmitting of signal to the receiver.

Claim 18, lines 5 and 6, the language "from the lowermost to the uppermost" is indefinite, since there is no description with respect to how the plurality of housings are organized.

Claim 19, the structural relationship among the "biasing

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element", the "linkage", the "lock mechanism", and the "plug stop" is indefinite;

languages such as "operably connecting", "mounted to", "selective movement", and "a force" are vague and indefinite.

Claim 20, the relationship between the "lock mechanism" and the "linkage" is confusing, it appears from its base claim 19, the "lock mechanism" is mounted to the linkage which is outside of the linkage.

Claim 21, line 4, the language "fluid force" is indefinite; line 5, "a fluid circuit" is not understood; also "opposed sides" lacks proper antecedent basis; lines 8-10, the language describing creating and releasing the locking force is confusing, it is not clear whether it is the valve that ^{is} responsive to the signal. If it is so, there is an apparent lack of antecedent basis describing the structural relationship between the "transmitter" and the "valve" with respect to how they interact; the language "create" and "release" are also indefinite.

claim 22, lines 4 and 5, the language "disposed" is indefinite; also "upon rotation" is indefinite, it is not clear what defines the rotation, is it the housing or the pin that is rotating?

line 6, "operably connected to" is indefinite; line 7, the language "primed to store" is not understood; line 8+, "valve

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open" lacks proper antecedent basis; line 9, it is not clear how the "transmitter" alone can open" a valve".

claim 23, lines 3 and 4, the language "intrinsically safe electrical comparents" is vague and lack structural distinction; line 5, the relationship between the valve and the fluid circuit is confusing.

claim 24, line 3, the language "downward orientation" is indefinite.

claim 25, lines 5 and 6, "the lowermost housing to the uppermost" is indefinite.

claim 26 is indefinite merely using language such as "transmitting a signal over the air", "receiving over-the-air signal", and "using the signal receives^r" to trigger" without further defining the instrumentation fails to distinguish from the commonly ordinary manual operation, as such signal can be an oral order or hand signal.

claim 27, line 2, "one apparatus" is indefinite and lack proper antecedent basis, it is also not clear what defines "one apparatus".

claim 28, line 2, the language "in series" is indefinite, there is a lack of direction with respect to how such apparatus are organized; line 3, the method of transmitting signal is indefinite;

claim 29, line 2, "storing a force" is indefinite and confusing.

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claim 30, line 1, "wherein" is indefinite; line 2, "priming" is not understood; line 3, the language "fluid locking" is not understood; "trapping a stored forced" is indefinite; line 5+, "a subsequent unlocking" is incomplete.

Claims 31-34 are rejected under 35 U.S.C. § 112, fourth paragraph, as being of improper dependent form for failing to further limit the subject matter of a previous claim.

claim 31-34 have been rejected because they are dependent from a cancelled base claim.

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 16-30 are rejected under 35 U.S.C. § 103 as being unpatentable over LaFleur in view of Cook, Sr.

LaFleur discloses a remote control plug releasing apparatus which comprises all of the claimed structure with the exception

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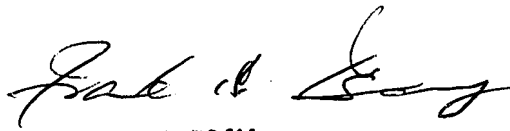
of the transmitter/receiver apparatus. Cook, Sr. teaches an offshore well remote control system, which comprises a wellhead 17, having operating components, some of which may function in response to a radio signal or pulse which is received from a transmitter station 38 a distance away (col. 3, lines 19-39). It would be obvious to one of the ordinary skill in the art at the time the invention was made to have further modified LaFleur plug release apparatus to include radio signal actuatable components similar to that of Cook, Sr. so that the plug release apparatus can be remotely controlled by a radio signal generated from a transmitter station.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Harris, Watson, Daming, Bode, and Brisco all disclose a plug release device. Markuson et al and Merritt, Jr. et al disclose a remote control system.

Any inquiry concerning this communication should be directed to Examiner Dr. Frank S. Tsay at telephone number (703) 308-2170.

Tsay/ph
May 04, 1994


PATENT EXAMINER
GROUP 3506